

**ZB# 04-72**

**John Lee**

**77-2-5**

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
*Granted 12-13-04*

BA # 04-72 JOHN LEE (AREA)  
2617 CHERRY TREE WAY (77-2-5)



# **Town of New Windsor**

**555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695**

## **OFFICE OF THE ZONING BOARD OF APPEALS**

March 15, 2005

**JOHN LEE  
2817 CHERRY TREE WAY  
NEW WINDSOR, NY 12553**

**SUBJECT: REQUEST FOR VARIANCE #04-72**

Dear Mr. Lee:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

---

**Myra Mason, Secretary to the  
NEW WINDSOR ZONING BOARD**

MLM:mlm

cc: **Michael Babcock, Building Inspector**

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 77-2-5

In the Matter of the Application of

**JOHN LEE**

MEMORANDUM OF  
DECISION GRANTING

**AREA**

CASE #04-72

**WHEREAS, John Lee**, owner(s) of 2817 Cherry Tree Way, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for a 21ft variance for a proposed attached rear deck with attached gazebo located at 2817 Cherry Tree Way in an R-3 zone. (77-2-5)

**WHEREAS**, a public hearing was held on December 13, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared on behalf of this Application; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in favor of or in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential property located in a neighborhood of residential properties.
  - (b) The applicant proposes to build a deck and gazebo.
  - (c) The gazebo will have a roof which will match the roof of the house so that it will blend in and be consistent with the house and neighborhood.

- (d) The deck and gazebo will not divert the flow of water drainage or create the ponding or collection of water.
- (e) The deck and gazebo will be similar in size and appearance to other decks in the neighborhood.
- (f) The proposed deck will be situated that without the deck, a person exiting the rear of the house would be likely to sustain serious physical injury.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

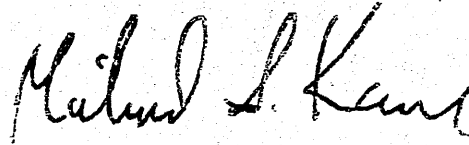
**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for a 21ft variance for a proposed attached rear deck with attached gazebo located at 2817 Cherry Tree Way in an R-3 zone. (77-2-5) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: December 13, 2004

A handwritten signature in cursive script, reading "Michael S. Kuntz". The signature is written in dark ink and is positioned above a horizontal line.

---

Chairman

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**DATE: October 14, 2004**

**APPLICANT: John Lee  
2817 Cherry Tree Way  
New Windsor, NY 12553**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 10/12/04**

**FOR : Proposed attached deck 32'x23' w/ 11'x11' gazebo.**

*#1 ZBA 11-8-04*

**LOCATED AT: 2817 Cherry Tree Way**

**ZONE: R-3 Sec/Blk/ Lot: 77-2-5**

**DESCRIPTION OF EXISTING SITE: one-family house**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

- 1. Proposed attached rear deck will not meet minimum 30ft. rear-yard set-back.**

  
**BUILDING INSPECTOR**

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-3    USE:    Bulk Tables    See approved site plan

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:                      30'                      9'                      21'

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

04-72



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit #: 2004-1330

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises John Lee

Address 2817 Cherry Tree Way, New Windsor Phone # (845) 567-0358  
NY 12553

Mailing Address same as above Fax #

Name of Architect

Address Phone

Name of Contractor

Address Dennis Amidon (845) 222-2196 Phone

State whether applicant is owner, lessee, agent, architect, engineer or builder

If applicant is a corporation, signature of duly authorized officer.  
(Name and title of corporate officer)

1. On what street is property located? On the SE side of Cherry Tree Way  
(N,S,E or W)  
and 300 FT feet from the intersection of Cherry Tree Way
2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N ☒
3. Tax Map Description: Section 77 Block 2 Lot 5
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy \_\_\_\_\_ b. Intended use and occupancy \_\_\_\_\_
5. Nature of work (check if applicable) ☐ New Bldg. ☒ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
6. Is this a corner lot? NO
7. Dimensions of entire new construction. Front 11' Rear 11' Depth 11' Height 8' No. of stories 1
8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_
- Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_
- Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost \$3000 Fee

**ZONING BOARD**

**PAID**

50-

10 / 6 / 04  
date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors Frank Lisi & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4618  
(845) 563-4695 FAX

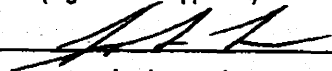
Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

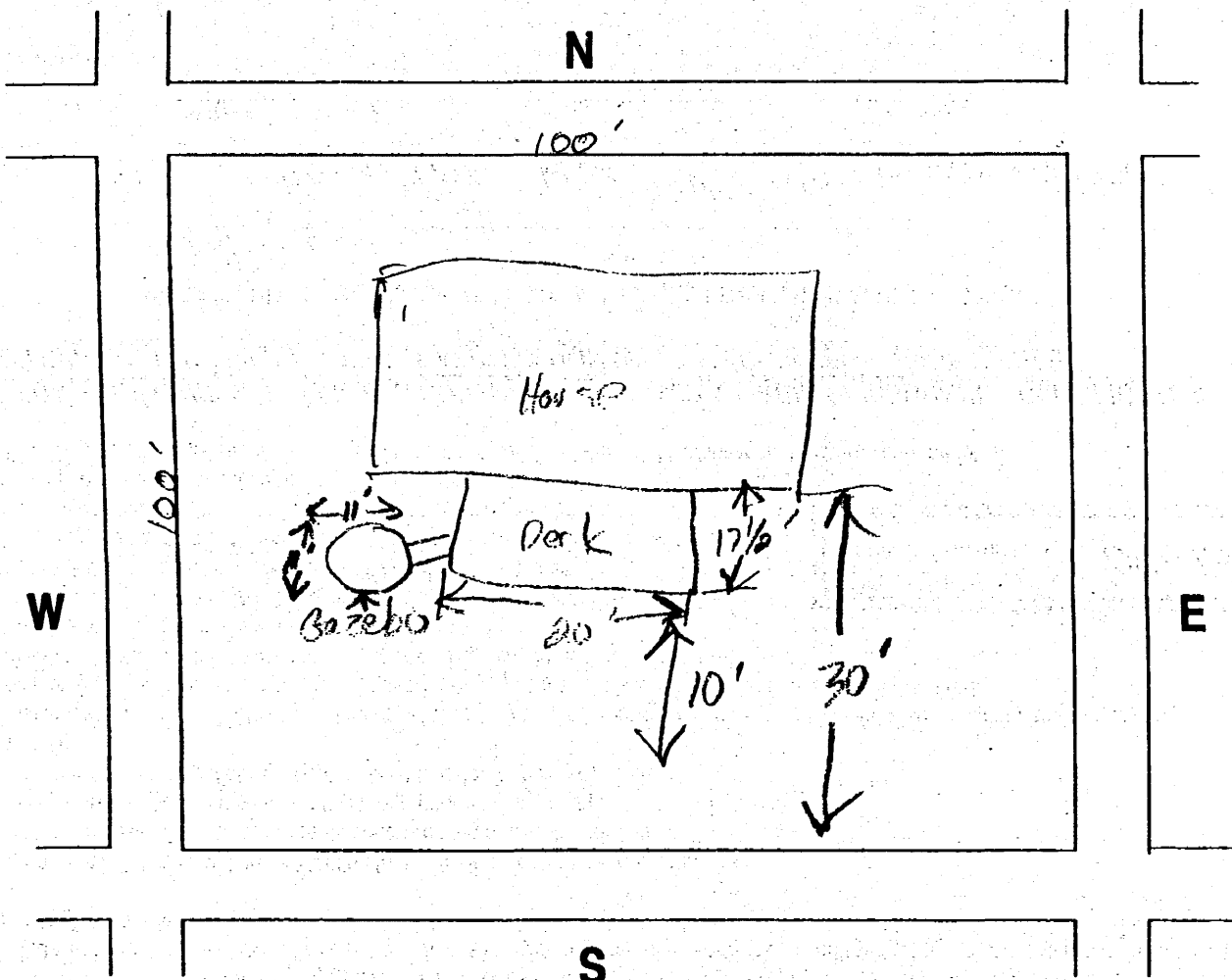


(Address of Applicant)

2817 Cherry Tree Valley, New Windsor NY 12553

PLOT PLAN

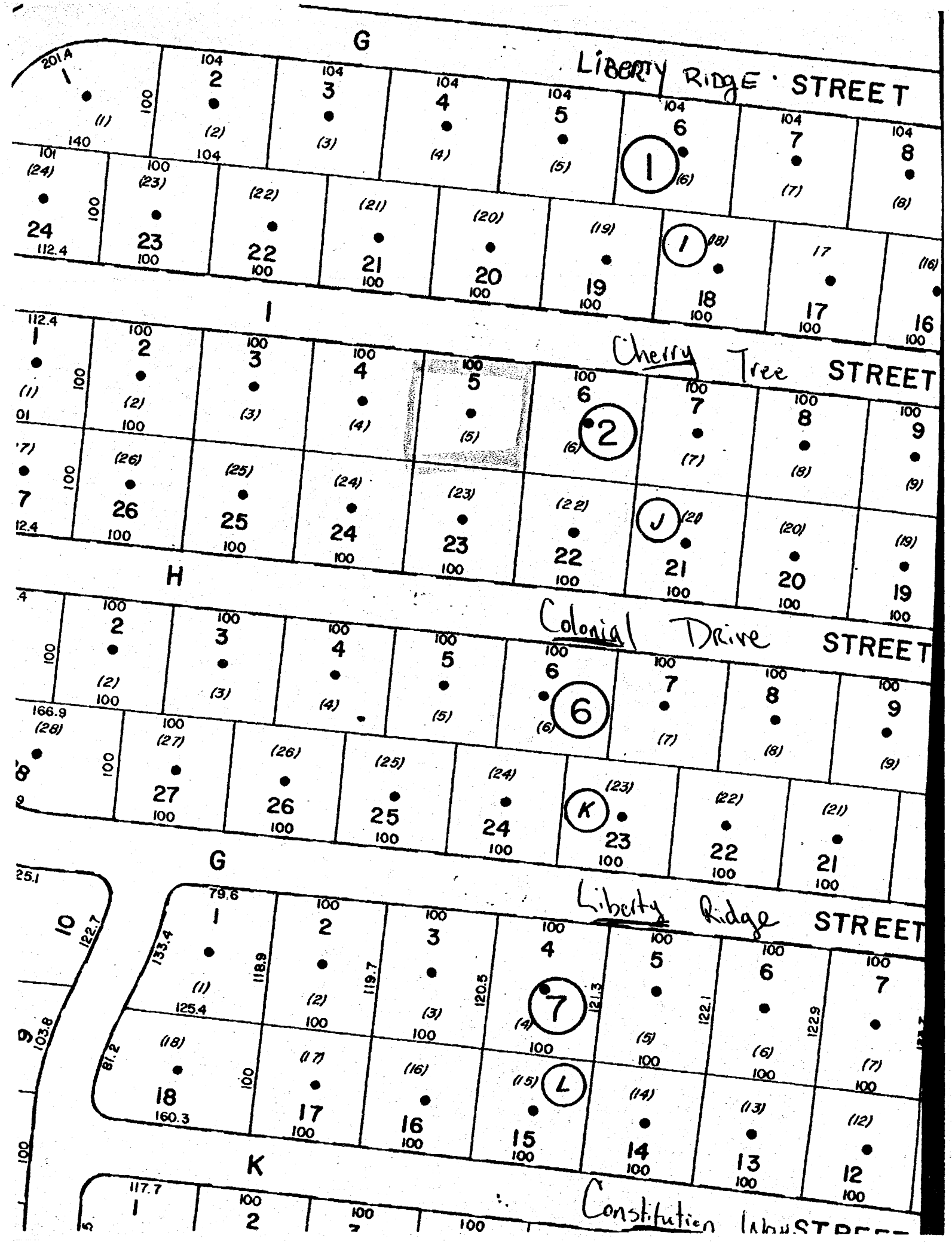
**NOTE:** Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



SECTION

64

31  
2  
NS 31,000



FACE OF CURB ✓

# C H E R R Y   T R E E   W A Y

(UNDER CONSTRUCTION)

FACE OF CURB ✓

SIDEWALK

S 83-18'-51" E  
100.00'

PAVED  
DRIVE

UNDERGROUND  
UTILITIES

SIDEWALK

2 STORY  
FRAMED  
DWELLING

BUILDING  
SETBACK LINES

N 06-41'-09" E  
100.00'

S 06-41'-09" W  
100.00'

F.M. LOT  
5

N 83-18'-51" W  
100.00'

F.M. LOT  
23

F.M. LOT  
6

F.M. LOT  
22

L LOT  
4

L LOT  
24

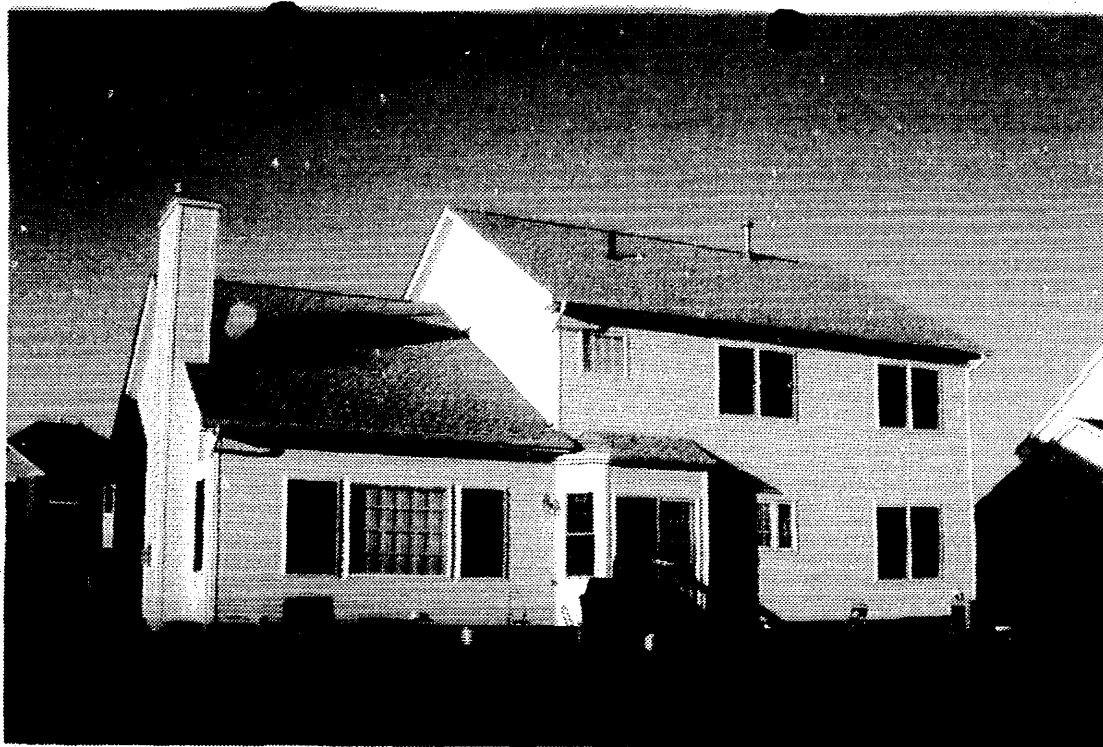
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O

TAX MAP REFERENCE:

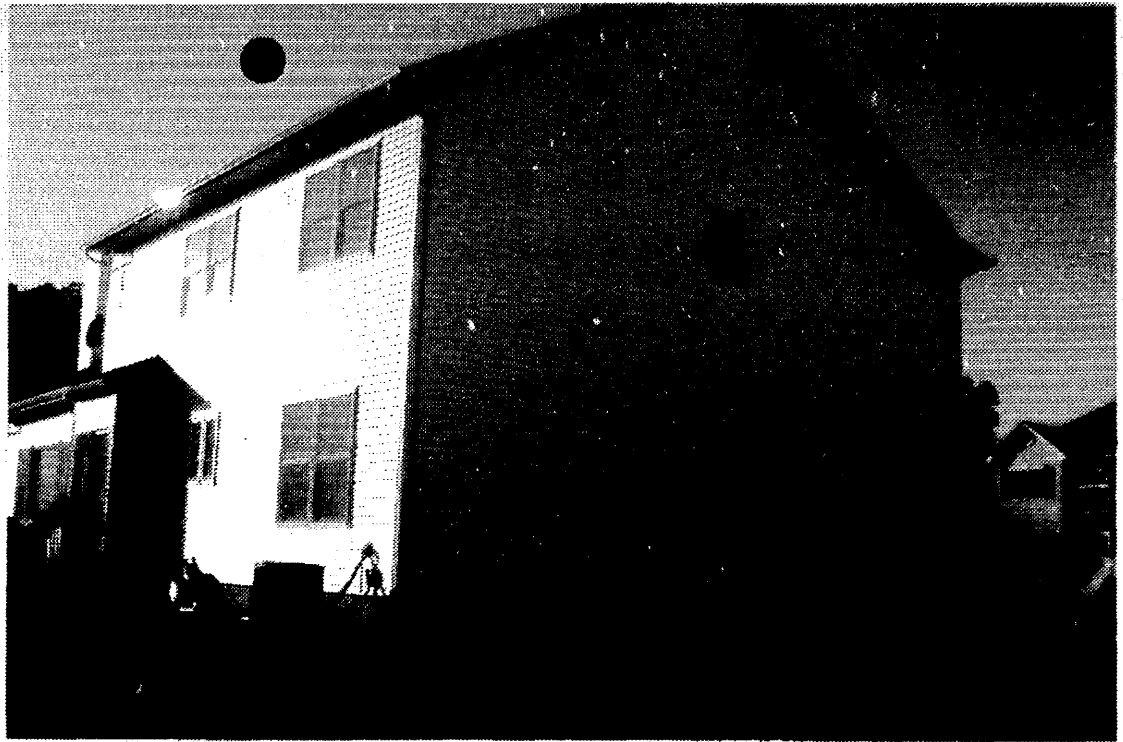
TOWN OF NEW WINDSOR  
SECT. 77, BLK. 2, LOT 5

F  
BE  
MA  
FI  
AS











**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: JANUARY 28, 2005**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 191.50 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #04-72**

**NAME & ADDRESS:**

**JOHN LEE  
2817 CHERRY TREE WAY  
NEW WINDSOR, NY 12553**

**THANK YOU,**

**MYRA**

**L.R.1-28-2005**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #04-72      TYPE: AREA

APPLICANT Name & Address:

**JOHN LEE**  
**2817 CHERRY TREE WAY**  
**NEW WINDSOR, NY 12553**

TELEPHONE:    567-0358

RESIDENTIAL:	\$ 50.00	CHECK #268
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:            RESIDENTIAL \$300.00            CHECK #269

~~~~~

| <u>DISBURSEMENTS:</u>        |                  | <u>MINUTES</u><br><u>\$5.50 / PAGE</u> | <u>ATTORNEY</u><br><u>FEE</u> |
|------------------------------|------------------|----------------------------------------|-------------------------------|
| PRELIMINARY:                 | <u>3</u> PAGES   | \$ <u>16.50</u>                        | \$ <u>35.00</u>               |
| 2 <sup>ND</sup> PRELIMINARY: | <u>   </u> PAGES | \$ <u>   </u>                          | \$ <u>   </u>                 |
| PUBLIC HEARING:              | <u>4</u> PAGES   | \$ <u>22.00</u>                        | \$ <u>35.00</u>               |
| PUBLIC HEARING:              | <u>   </u> PAGES | \$ <u>   </u>                          | \$ <u>   </u>                 |

TOTAL:            \$ 38.50            \$ 70.00

~~~~~

ESCROW POSTED:            \$300.00

LESS: DISBURSEMENTS:    \$ 108.50

AMOUNT DUE:            \$    

REFUND DUE:            \$ 191.50

Cc:

JOHN LEE (04-72)

Mr. John Lee appeared before the board for this proposal.

MR. KANE: Request for a 21 ft. variance for a proposed attached rear deck with attached gazebo located at 2817 Cherry Tree Way in an R-3 zone.

MR. LEE: Hi, good evening, how are you?

MR. KANE: Tell us what you want to do, sir.

MR. LEE: My name is John Lee and we want to put a 17 x 20 deck with a gazebo, about a ten foot gazebo in diameter attached to it with four steps going up. The gazebo will have a matching shingle matching to our roof and it will be held up by the standard colonial posts and the lattice siding and it will be made out of composite material.

MR. KANE: The deck itself, how high off the ground?

MR. LEE: It's probably about I would say about two feet off the ground.

MR. KANE: Is there a door coming out from the home at this point to where the deck is going to be?

MR. LEE: Yes, it's going to be attached to the entire house and it will be attached to the base sliders so we'll open the base slider and we go out to the deck.

MR. KANE: So it would also be of a safety value having the deck there for that door?

MR. LEE: Yes, exactly, absolutely.

MR. KANE: Will you be cutting down any trees or substantial, removing any substantial shrubbery?

MR. LEE: No.

MR. KANE: Create any water hazards or runoffs?

MR. LEE: No.

MR. KANE: Is the deck itself similar in size to other decks? You don't feel the deck is abnormally big at all?

MR. LEE: No. In fact, there's about three houses down on the other side behind us, there's a person who has a 20 x 20 deck, which is actually bigger than ours and similarly on the other side there's someone who has a 16 x 16 deck.

MR. KANE: So you feel what you're putting maintains the character of the neighborhood?

MR. LEE: Absolutely.

MR. KANE: And no easements running through that? You're on Town water and sewer?

MR. LEE: Yes.

MR. KANE: Okay, I have no further questions at this point.

MS. GANN: No questions.

MS. LOCEY: No questions.

MR. KANE: I'll accept a motion.

MS. GANN: I'd like to offer a motion, Mr. Chairman, to schedule a public hearing for John Lee for request for 21 foot variance for a proposed attached rear deck with attached gazebo located at 2017 Cherry Tree Way in the



November 8, 2004

24

R-3 zone.

MS. LOCEY: I'll second that motion.

ROLL CALL

MS. LOCEY	AYE
MS. GANN	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn?

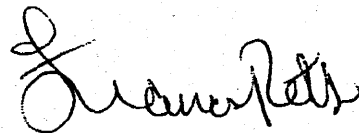
MS. LOCEY: So moved.

MS. GANN: Second it.

ROLL CALL

MS. LOCEY	AYE
MS. GANN	AYE
MR. KANE	AYE

Respectfully Submitted By:



Frances Roth  
Stenographer

11/10/04

JOHN LEE (04-72)

Mr. John Lee appeared before the board for this proposal.

MR. KANE: Request for a 21 ft. variance for a proposed attached rear deck with attached gazebo located at 2719 Cherry Tree Way. Tell us what you want to do.

MR. LEE: Sure, basically I'm, we're going to have a 17 x 20 deck that's going to be attached to the rear of the house.

MR. KANE: It's 17 out 20 wide?

MR. LEE: Yes and there's going to be a gazebo attached to it, about ten foot in diameter gazebo which is separate and there's going to be four steps going up to it. The deck itself is level with the inside of the house so when you walk out it doesn't create a hazard. Currently if you try to go out there's stairs so it's going to be level with the house.

MR. KANE: The four steps up to the gazebo is that attached to the deck or just going to be the gazebo there?

MR. LEE: It's part of the deck.

MR. KANE: So it's four steps up from the deck to the gazebo area?

MR. LEE: Right, so the roof of the gazebo is going to match the roof of the house, the shingles so it will blend in, it will be tastefully done so it doesn't look odd. About the deck materials we're going to be using composite, I don't know whether that's irrelevant.

MR. CANE: Only to the building inspector, not to us.

MR. LEE: I won't be creating any hazards with the water and drainage because it's a pretty flat property there, won't be cutting down of trees or anything, I know what to do, there's a lot of neighbors nearby that have similar size decks and, you know, it blends in with the character of the neighborhood basically.

MR. KANE: Boy, you didn't miss anything.

MR. LEE: I'm prepared.

MR. KANE: That's good. So no runoff, no vegetation, proposed 21 foot which is still going to leave you 9 feet for the rear yard.

MR. MINUTA: This gazebo, deck, are going to be made out of an exterior grade wood?

MR. LEE: Composite, the structure itself will be pressure treated and the top layer will be, and the railing itself, the railings will be vinyl and the surface will be composite.

MR. MINUTA: And this will be sitting on a foundation of sorts?

MR. LEE: Yes, they have already drilled holes there but they haven't put the concrete in.

MR. MINUTA: So you're going to use sonit tubes, there will not be a slab is what I'm trying to get at?

MR. KANE: Underneath the deck.

MR. LEE: I don't know the specifics of it.

MR. KANE: Just footings.

MR. LEE: Exactly, concrete footings.

MR. MINUTA: My question is leading to impervious coverage of the property so you don't encroach on that or go over that.

MR. KANE: When you put down cement blacktop that's part of developmental coverage so if you had it under a deck you weren't using it, it would still count against you.

MR. MINUTA: Very good.

MR. KANE: Okay, at this point, I will open the public portion of the meeting and seeing as no one's here we'll close it real quick and ask Myra how many mailings we had.

MS. MASON: On November 18th, I mailed out 63 envelopes and had no response.

MR. KANE: Any other questions?

MR. MINUTA: The setback.

MR. KANE: Rear yard setback is 30 feet.

MR. MINUTA: I'm trying to locate it here, I think there was 9 foot, is that correct?

MR. KANE: He's requesting a 21 foot variance which would leave him 9 feet from the property line. Well, actually, a little bit more because what's going to happen I guess they're getting a little overage, if you do the math, they get 30 to the back of the house, he's coming 17 1/2 out with the deck, is the gazebo going to extend further to your rear line than the deck itself, are they going to be kind of--

MR. LEE: I think it's going to be sticking out a little bit but I think the actual toppings or what you call that will be, they're not going to extend the

actual gazebo top of it will extend but the toppings won't extend.

MR. KANE: His deck is coming out 17 1/2 feet so that really leaves him 12 1/2 feet to his property line so give or take he might have a foot on the gazebo out, it's not as bad as it looks.

MR. MINUTA: My question was going towards separation between the properties as far as fire safety code but Mike will take care of that aspect of it. We have better than ten feet, I don't know of any code that would restrict you from that anyway so that's good, there's no further questions.

MR. KANE: I'll accept a motion.

MR. MINUTA: I'll make the motion, I'd like to make a motion that we grant Mr. John Lee his request for 21 foot variance for his proposed attached rear deck with an attached gazebo located at 2817 Cherry Tree Way in an R-3 zone.

MR. RIVERA: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. RIVERA	AYE
MR. MINUTA	AYE
MR. KANE	AYE



RESULTS OF Z.B.A. MEETING OF: December 13, 2004

PROJECT: John Lee ZBA # 04-72  
P.B.#

USE VARIANCE:      NEED: EAF \_\_\_\_\_ PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y\_\_\_\_N\_\_\_\_  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

**PUBLIC HEARING: M)**\_\_\_\_\_ **S)**\_\_\_\_\_ **VOTE: A**\_\_\_\_ **N**\_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**NEGATIVE DEC:** M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

APPROVED: M)\_\_\_\_S)\_\_\_\_ VOTE: A\_\_\_\_N\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

**SCHEDULE PUBLIC HEARING:** M)\_\_\_ S)\_\_\_ VOTE: A \_\_\_ N \_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ✓  
VARIANCE APPROVED: M) MN S) RV VOTE: A 5 N 0.

GANN	A
LOCEY	A
RIVERA	A
MCDONALD	
REIS	
MINUTA	A
KANE	A

**CARRIED:** Y ☒ N



**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

JOHN LEE

**AFFIDAVIT OF  
SERVICE  
BY MAIL**

#04-72

-----X

STATE OF NEW YORK )

) SS:

COUNTY OF ORANGE )

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 18TH day of **NOVEMBER**, 2004, I compared the 63 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason  
Myra L. Mason, Secretary

13<sup>th</sup> day of December, 2004

[Signature]  
Notary Public

JENNIFER MEAD  
Notary Public, State Of New York  
No. 01ME6050024  
Qualified In Orange County  
Commission Expires 10/30/ 2006

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

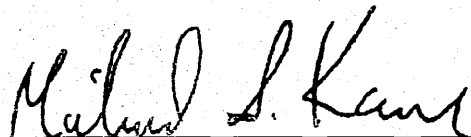
**Appeal No. 04-72**

**Request of JOHN LEE**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for a 21ft variance for a proposed attached rear deck with attached gazebo located at 2817 Cherry Tree Way in an R-3 zone. (77-2-5)**

**PUBLIC HEARING will take place on DECEMBER 13, 2004  
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York  
beginning at 7:30 P.M.**

  
\_\_\_\_\_  
**Michael Kane, Chairman**





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

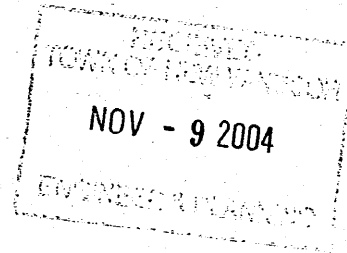
## Assessors Office

November 9, 2004

John Lee  
2817 Cherry Tree Way  
New Windsor, NY 12553

Re: 77-2-5

ZBA#: 04-72 (63)



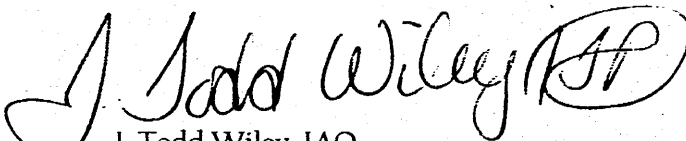
Dear Mr. Lee:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.


The charge for this service is \$85.00, minus your deposit of \$25.00.

Please remit the balance of \$60.00 to the Town Clerk's Office.

Sincerely,

  
J. Todd Wiley, IAO  
Sole Assessor

JTW/tmp  
Attachments



**Sections 64 & 77 – various parcels**

**Mt. Airy Estates, Inc.**

c/o Sarna Enterprises

15 Engle Street – Suite 100

Englewood, NJ 07631

77-1-3

Edward Venezia, II

Nadia Godbout

2642 Liberty Ridge

New Windsor, NY 12553

77-1-6

Yury Matuska

2648 Liberty Ridge

New Windsor, NY 12553

77-1-16

Junior Gonsalves

2810 Cherry Tree Way

New Windsor, NY 12553

77-1-19

Donald & Kathleen DeMatteo

2816 Cherry Tree Way

New Windsor, NY 12553

77-1-22

James Wallace

Stacey Miller

2822 Cherry Tree Way

New Windsor, NY 12553

77-2-1

Jose Antonio & Sandra Marin

2825 Cherry Tree Way

New Windsor, NY 12553

77-2-4

Benedetto & Kelly Allegra

2819 Cherry Tree Way

New Windsor, NY 12553

77-2-8

Daniel & Lydia Bonilla

2811 Cherry Tree Way

New Windsor, NY 12553

77-2-18

Laverne Bey

2710 Colonial Drive

New Windsor, NY 12553

64-2-36

Michael & Lisa Lawrence

2633 Liberty Ridge

New Windsor, NY 12553

77-1-4

Jodi Boffa

Brian Breheny

2644 Liberty Ridge

New Windsor, NY 12553

77-1-9

Anthony & Kerri Bianchi

2654 Liberty Ridge

New Windsor, NY 12553

77-1-17

Richard & Josephine Romano

2812 Cherry Tree Way

New Windsor, NY 12553

77-1-20

Eduardo & Elizabeth Guerrero

2818 Cherry Tree Way

New Windsor, NY 12553

77-1-23

Mark & Tina Goldenberg

2824 Cherry Tree Way

New Windsor, NY 12553

77-2-2

Richard & Laura Smacchia

2823 Cherry Tree Way

New Windsor, NY 12553

77-2-6

Nolan & Madeline Padilla

2815 Cherry Tree Way

New Windsor, NY 12553

77-2-9

Antonio & Maria Tommasi

2809 Cherry Tree Way

New Windsor, NY 12553

77-2-19

Mark & Patricia Mayberry

2712 Colonial Drive

New Windsor, NY 12553

64-2-37

Kenneth & Melinda Sharp

2631 Liberty Ridge

New Windsor, NY 12553

77-1-5

Annette & Giovanni Flores

2646 Liberty Ridge

New Windsor, NY 12553

77-1-15

Brian & Maria Lewis

2808 Cherry Tree Way

New Windsor, NY 12553

77-1-18

Donald & Karlene Mitchell

2814 Cherry Tree Way

New Windsor, NY 12553

77-1-21

Denis & Jacqueline Allen

2820 Cherry Tree Way

New Windsor, NY 12553

77-1-24

Jean Pierre Nerva

Lude Belony

2826 Cherry Tree Way

New Windsor, NY 12553

77-2-3

Doanld & Paulette Easterlin

2821 Cherry Tree Way

New Windsor, NY 12553

77-2-7

Carmelo & Lydia Taverna

2813 Cherry Tree Way

New Windsor, NY 12553

77-2-10

Matthew & Cheri Elliott

2807 Cherry Tree Way

New Windsor, NY 12553

77-2-20

John & Nicole White

2714 Colonial Drive

New Windsor, NY 12553

77-2-21

James Hoskin  
Kathryn Brown  
2716 Colonial Drive  
New Windsor, NY 12553

77-2-22

Brian & Carole McCue  
2718 Colonial Drive  
New Windsor, NY 12553

77-2-23

Emanuel & Anelyn Suazo  
2720 Colonial Drive  
New Windsor, NY 12553

77-2-24

Craig & Valerie Barnes  
2722 Colonial Drive  
New Windsor, NY 12553

77-2-25

Dion & Joan Edwards  
2724 Colonial Drive  
New Windsor, NY 12553

77-2-26

Robert & Zoraida Marquez  
2726 Colonial Drive  
New Windsor, NY 12553

77-2-27

Maria Pippi  
David Layne  
2728 Colonial Drive  
New Windsor, NY 12553

77-6-1

Patrick McNamara  
Cecilia Miro  
2727 Colonial Drive  
New Windsor, NY 12553

77-6-2

Rudolph Trocard  
2725 Colonial Drive  
New Windsor, NY 12553

77-6-3

Elliot Gaztambide, Jr.  
Jennifer Rivera Gaztambide  
2723 Colonial Drive  
New Windsor, NY 12553

77-6-4

Jospeh & Jodi Antonacci  
2721 Colonial Drive  
New Windsor, NY 12553

77-6-5

Barry & Joanne Washington  
2719 Colonial Drive  
New Windsor, NY 12553

77-6-6

Brian & Dianna McLean  
2717 Colonial Drive  
New Windsor, NY 12553

77-6-7

Harvey Mathis  
Lydia Alvarez  
2715 Colonial Drive  
New Windsor, NY 12553

77-6-8

Michael & Michelle Thomas  
2713 Colonial Drive  
New Windsor, NY 12553

77-6-9

James Porter  
Leo Carmelle Mathelier  
2711 Colonial Drive  
New Windsor, NY 12553

77-6-10

Neal & Theresa Iaquina  
2709 Colonial Drive  
New Windsor, NY 12553

77-6-20

David & Ellen Olsen  
2612 Liberty Ridge  
New Windsor, NY 12553

77-6-21

Francisco Soto, Jr.  
Cynthia Diaz  
2614 Liberty Ridge  
New Windsor, NY 12553

77-6-22

Jeri & Cheryl Kocik  
2616 Liberty Ridge  
New Windsor, NY 12553

77-6-23

Edward & Regina Davis  
2618 Liberty Ridge  
New Windsor, NY 12553

77-6-24

Irina Simknovich  
2620 Liberty Ridge  
New Windsor, NY 12553

77-6-25

Joseph & Victoria Pecoraro  
2622 Liberty Ridge  
New Windsor, NY 12553

77-6-26

Mark Monte  
Jocelyn Pacatang  
2624 Liberty Ridge  
New Windsor, NY 12553

77-6-27

Charles Grady  
Emily Smith (UX)  
2626 Liberty Ridge  
New Windsor, NY 12553

77-6-28

Arjun Singh  
2628 Liberty Ridge  
New Windsor, NY 12553

77-7-1

Robert & Alma Aponte  
2625 Liberty Ridge  
New Windsor, NY 12553

77-7-2

Amunatequi & Ana Rosario  
2623 Liberty Ridge  
New Windsor, NY 12553

77-7-3

Nancy Weber  
2621 Liberty Ridge  
New Windsor, NY 12553

77-7-4

Todd & Kelly Belanger  
2619 Liberty Ridge  
New Windsor, NY 12553

77-7-5

Wilson Ventura  
Ana Arino Ventura  
2617 Liberty Ridge  
New Windsor, NY 12553

77-7-6

Kenneth & Annette McTigue  
2615 Liberty Ridge  
New Windsor, NY 12553

77-11-10

Angela Roman  
Sonia Guzman  
2429 Settlers Ridge  
New Windsor, NY 12553



RESULTS OF Z.B.A. MEETING OF: 11-8-04

PROJECT: JOHN LEE ZBA# 04-72  
P.B.#

**USE VARIANCE:      NEED: EAF      PROXY**



LEAD AGENCY:		M)	S)	VOTE:	A	N
GANN	_____					
LOCEY	_____					
RIVERA	_____					
MCDONALD	_____			CARRIED:	Y	N
REIS	_____					
MINUTA	_____					
KANE	_____					

PUBLIC HEARING:		M)	S)	VOTE:	A	N
GANN	_____					
LOCEY	_____					
RIVERA	_____					
MCDONALD	_____			CARRIED:	Y	N
REIS	_____					
MINUTA	_____					
KANE	_____					

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

**SCHEDULE PUBLIC HEARING:** M) 6 S) L VOTE: A 3 N

GANN	✓
LOCEY	✓
<del>RIVERA</del>	
<del>MCDONALD</del>	
<del>REIS</del>	
<del>MINUTA</del>	
KANE	✓

CARRIED: Y ☒ N

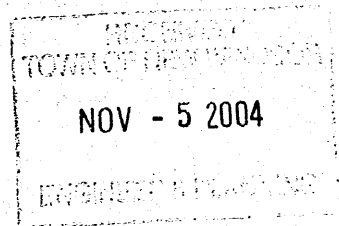
**PUBLIC HEARING:**            **STATEMENT OF MAILING READ INTO MINUTES** \_\_\_\_\_  
**VARIANCE APPROVED:**        **M)** \_\_\_\_\_ **S)** \_\_\_\_\_ **VOTE: A** \_\_\_\_\_ **N** \_\_\_\_\_.

GANN  
LOCEY  
RIVERA  
MC DONALD  
REIS  
MINUTA  
KANE

**CARRIED: Y N .**

[illegible]

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**



**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 10/29/04

FOR: 04-72

FROM: **JOHN LEE**

**2817 CHERRY TREE WAY**


**NEW WINDSOR, NY 12553**

CHECK NUMBER: 269

TELEPHONE: 567-0358

AMOUNT: **\$300.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:

  
\_\_\_\_\_  
NAME

11/5/07  
\_\_\_\_\_  
DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#1096-2004**

10/29/2004

CBA 04-72

Lee, John

Received \$ 50.00 for Zoning Board Fees, on 10/29/2004. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk



# **Town of New Windsor**

**555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695**

## **ZONING BOARD OF APPEALS**

October 29, 2004

**JOHN LEE  
2817 CHERRY TREE WAY  
NEW WINDSOR, NY 12553**

**SUBJECT: REQUEST VARIANCE # 04-72**

Dear Mr. Lee:

This letter is to inform you that you have been placed on the 11/8/04 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

**2817 Cherry Tree Way  
New Windsor, NY 12553**

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

---

**Myra Mason, Secretary  
Zoning Board of Appeals**

**MLM:mlm**



PROJECT NUMBER: ZBA# 04-72 P.B. # \_\_\_\_\_

**PERSON TO NOTIFY TO PICK UP LIST:**

**TELEPHONE: 567-0358**

TAX MAP NUMBER: SEC. 77 BLOCK 2 LOT 5  
SEC. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_  
SEC. \_\_\_\_\_ B LOCK \_\_\_\_\_ LOT \_\_\_\_\_

**PROPERTY LOCATION: 2817 CHERRY TREE WAY  
NEW WINDSOR, NY 12553**

**THIS LIST IS BEING REQUESTED BY:**

NEW WINDSOR PLANNING BOARD: \_\_\_\_\_

**SITE PLAN OR SUBDIVISION:** (ABUTTING AND ACROSS ANY STREET \_\_\_\_\_)

**SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET)**

**AGRICULTURAL DISTRICT:**  
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT)

NEW WINDSOR ZONING BOARD 04-72

**LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT YES**

AMOUNT OF DEPOSIT: **\$25.00** CHECK NUMBER: **270**

TOTAL CHARGES:



**TOWN OF NEW WINDSOR**  
555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(845) 563-4615 (MYRA MASON)



**ZONING BOARD PROCEDURES**

**PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO**  
**IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.**

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

**RESIDENTIAL: (Three Separate Checks Please)**

APPLICATION FEE: \$ 50.00  
\*ESCROW: \$300.00

**\*\*DEPOSIT FOR PUBLIC HEARING LIST:** \$ 25.00

**MULTI-FAMILY: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00  
\*ESCROW: \$500.00

**\*\*DEPOSIT FOR PUBLIC HEARING LIST:** \$ 25.00

**COMMERCIAL: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00  
\*ESCROW: \$500.00

**\*\*DEPOSIT FOR PUBLIC HEARING LIST:** \$ 25.00

**INTERPRETATION: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00  
\*ESCROW: \$500.00

**\*\*DEPOSIT FOR PUBLIC HEARING LIST:** \$ 25.00

**YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".**

\*

**ESCROW**

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

LIST OF PROPERTY OWNERS  
WITHIN 500 FT. RADIUS OF  
PROPERTY IN QUESTION:

APPROXIMATE COST FOR  
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES  
IS \$1.00 EA. ADDITIONAL  
NAME

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

**NOTE:**

**IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.**

**\*\* MUST READ AND SIGN \*\***

***I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow posted).***

  
SIGNATURE

10/26/04  
DATE

**NOTE:**

THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.

PAGE 2

COMPLETE THIS PAGE ☐

**COMPLETE THIS PAGE** ☐

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	30'	9'	21'
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

The construction of this deck  
and Gazebo will beautify our home.

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- \_\_\_\_\_
- \_\_\_\_\_

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

27 day of October 2004.



VIRGINIA COSTELLO  
Notary Public State of NY  
My Commission Expires 10/29/05  
Signature and Stamp of Notary

[Signature]  
Owner's Signature (Notarized)

\_\_\_\_\_  
Owner's Name (Please Print)

\_\_\_\_\_  
Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

COMPLETE THIS PAGE ☐